



"Saltarelli, Joseph"
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07/11/2011 12:54 PM

To <Solomon_Shinerock@nysd.uscourts.gov>
cc "Laitman, Joel" <jlaitman@cohenmilstein.com>, "Lometti,
Christopher" <clometti@cohenmilstein.com>, "Speirs,
Richard" <rspeirs@cohenmilstein.com>, "Rehns, Kenneth"
bcc

Subject RE: In re Dynex Capital, Inc. Sec. Litig.

OS cv 1897

Dear Mr. Shinerock,

We represent defendants in the above-captioned matter, and pursuant to Judge Baer's Order of June 21, 2011, our motion for summary judgment must be filed by this Friday, July 11. Due to the number and complexity of the issues that need to be addressed, and the extensive record, we are respectfully requesting that Judge Baer grant defendants leave to file a 35-page opening brief (enlarged from 25 pages), with plaintiff allowed to file a 35-page answering brief (enlarged from 25 pages), followed by a 15-page reply brief (enlarged from 10 pages). I note that these are the page limits allowed on defendants' motion to dismiss the second amended complaint, briefed back in 2008.

We sought Mr. Laitman's consent to the foregoing request, but it was refused without explanation.

We would appreciate hearing back from the Court as soon as possible in order to know how to proceed as we finalize the brief. Of course, should Judge Baer require something more formal to support this application (e.g., a letter addressed to the Court), please let me know.

Sincerely,

Joseph J. Saltarelli
Counsel to Defendants

D enied

SO ORDERED

-----Original Message-----

From: Solomon_Shinerock@nysd.uscourts.gov
[mailto:Solomon_Shinerock@nysd.uscourts.gov]
Sent: Wednesday, June 22, 2011 10:51 AM
To: Saltarelli, Joseph
Cc: Lometti, Christopher; Fuhr, Ed; Laitman, Joel; Rehns, Kenneth;
Bosher, Matthew; Speirs, Richard
Subject: In re Dynex Capital, Inc. Sec. Litig. - T/C Cancelled

Harold Baer, Jr., U.S.D.J.

Date: 7/12/11

Dear Counsel,

Unless something comes up in the next 24 hours that requires a reassessment, this confirms that tomorrow's telephone conference is cancelled.

Regards,

Solomon Shinerock
Law Clerk to the Hon. Harold Baer, Jr.
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007
(212) 805-0184

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DATE FILED: 7-12-11